

**Zoning Committee Meeting  
Tuesday, October 28, 2008**

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**ITEM #1**

Application for a Special Permit under section 275-50 for the purpose of fabricating and installing 2 double face illuminated signs. 1 monument sign 7'4"x11'5/8" face area 80.23 sq. ft. 1-125' tall high rise sign face area 400' sq 15'-9 1/2" x 25'x 25 - 3 3/8" located at 500 Memorial Drive being a portion of parcel 341-12B, 10, 9. Applicants: Richard Cook, Jr. & Dinesh Patel, 1 Plaza Heights, West Lebanon, NH 03784 & 450 Memorial Drive, Chicopee, MA 01020.

**ITEM #2**

Application for a Special Permit under section 275-61 (c) (3) for the purpose of constructing a new restaurant with sale of alcoholic beverages on premises located at 520 Memorial Drive being a portion of parcel 341-12B, 10, 9. Applicant: Frank Colaccino, President, Memorial Crossing, Inc., 360 Bloomfield Avenue, Suite 208, Windsor, CT 06095.

**ITEM #3**

Application for a Zone Change from Industrial to Residential A for +- 32 acres to build single family homes. Application includes lots described by Chicopee Assessors as parcel 172-11 & parcel 172-9 fronting Nelson St; parcel 146-2 fronting Nelson & Mayflower Sts. Applicant: Eric Kaiser, 15 Mechanic St., Monson, MA 01057.

**ITEM #4**

Minutes – September 30, 2008





**CHICOPEE BOARD OF ALDERMEN**  
**ZONING COMMITTEE**

ACCEPTED 11-25-08

**MEMBERS**

Jean Croteau, Chairman  
Dino A. Brunetti, Vice-Chairman  
James Tillotson  
George Moreau  
John Vieau  
Fred Krampits  
Donald Demers

**MINUTES**  
**October 28, 2008**

The following are the minutes of a public hearing held Tuesday, October 28, 2008 at 6:30 PM in the Aldermanic Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

**Members Present** Croteau, Brunetti, Tillotson, Demers, Krampits, Moreau, Vieau (arrived 6:32)

**Also Present** Kate Brown (Planning Director), Dan Garvey (City Solicitor), Alderman Swider, Alderman Brooks, Alderman Zygarowski

The meeting was called to order at 6:30 PM

**ITEM #1**

Application for a Special Permit under section 275-50 for the purpose of fabricating and installing 2 double faced illuminated signs. 1 monument sign 7'4"x11'5/8" face area 80.23 sq. ft. 1-125' tall high rise sign face area 500' sq. 15'-9 1/2"x25'x25 - 3 3/8" located at 500 Memorial Drive being a portion of parcel 341-12B, 10, 9.

Applicants Richard Cook, Jr. & Dinesh Patel, 1 Plaza Heights, West Lebanon, NH 03784 & 450 Memorial Drive, Chicopee, MA 01020.

*The following letter was read into the record:*

*October 24, 2008*

*TO: Zoning Committee*

*RE: Special Permit Application for 500 Memorial Drive*

*Dear Sirs:*

*I respectfully request that my application be tabled so I can provide additional information.*

*Sincerely,  
Dinesh Patel*

Motion made by Alderman Moreau to table. Motion passed.

## ITEM #2

Application for a Zone Change from Industrial to Residential A for +-32 acres of property located at the end of Nelson Street for the purpose of building single family homes.

Applicant Erik T. Kaiser, 15 Mechanic Street, Monson, MA 01057

Mr. Kaiser and his attorney Bart Heemskerk, 75 Market Place, Springfield, MA were present at the meeting.

Motion made by Alderman Tillotson to remove from the table. Motion passed.

Attorney Heemskerk stated that the Planning Board voted favorably for the Zone Change request and he thought that the application was tabled at the last meeting so that the committee could obtain additional reports from various departments.

Motion made by Alderman Moreau to open public input. Motion passed.

### PUBLIC INPUT

- Mark McAuliffe, 359 Granby Road – he is opposed to the zone change and does not understand why there has to be a special meeting tomorrow night.
- Ralph Shrewsbury, 72 Lauzier Terrace – he represents the Chicopee Watershed Council. He would like to know why someone would want to build on this beautiful wetland area. He stated that the factory across the river is a better location for building.
- Laurene Mailloux, 36 Acker Circle – she is opposed to this zone change request. She would like to know what new “revelation” has come about since the last meeting and why is there a special meeting taking place tomorrow.
- John Oliveira, 57 Parkwood Drive – he is opposed to this petition. There are creeks and streams. He can not understand how a house could be built on this wetland area.
- Mayor Michael Bissonnette stated that he called for the meeting tomorrow night so that neighborhood questions could be answered by department heads. He also stated that people should have an opportunity to speak. He wants called for this meeting so that everyone could get a fuller understanding of the issues.
- Shane Brooks (speaking as resident) – He would like to see this application tabled so that an informed decision could be made. As an Alderman he represents this neighborhood and he has been transparent with his constituents.
- Gerard Plante, 49 Parkwood Drive – Does not want to see anything developed on this site.
- Doris Benoit, 21 Parkwood Drive – What would happen if these proposed homes are built and then they have water damage is the city going to use taxpayer money to pay these homeowners?
- Debra Foley, 5 Parkwood Drive – When will the tractor trailers be removed?

The following reports were read into the record:

#### *From Chicopee Electric Light*

“CEL currently owns and maintains an electric distribution right-of-way within the property. Any development within this property cannot, in any way, interfere with the operation and maintenance of our facilities. Any and all costs associated with the potential relocation of these facilities shall be borne by the developer. CEL shall have the right to

request modifications to the proposed development in order to minimize potential disruption to our facilities. Access to the facilities must be maintained at all times during construction.”

*From Mary Donahue – Conservation*

“The Conservation Commission (ConCom) issued the attached line Determination in response to a ***Request for Determination of Applicability*** (for certain wetland resource areas) filed by the applicant. The wetland lines were flagged by the applicant’s wetland consultant and reviewed in the field by staff and the ConCom. The location of some flags was subsequently revised, field surveyed and put on a Wetland Resource Delineation Plan dated, 5/3/2007.

The location of the following wetland resource areas were NOT part of this Determination and were only estimated by the applicant’s consultant:

- Bordering Land Subject to Flooding (100 year Flood Plain: is determined by field survey of the Mean Sea Level) elevations as referenced by the USGS MSL datum markers noted on the FEMA Flood Boundary Map, 9/29/78, of the Chicopee River)
- Bank (determined by flagging, surveying and illustrating the “first break in slope or “mean annual high water mark of the Chicopee River)
- Riverfront Area (determined by flagging, surveying and illustrating, the 200 ft. distance from the top of Bank of the Chicopee River)

The Massachusetts Wetland Regulations and Chicopee Wetlands Protection Ordinance (CH 272) do not distinguish between “zoning uses” of property. However, the ConCom may take “Land Use” into account when determining work limits that must be maintained from a given Wetland Resource Area.

The applicant has not filed anything additional with the ConCom. A brief review of the conceptual plan, submitted to the Planning Department relative to the Zone change application, indicates the plan could not be built as shown. However, there is still some opportunity for development of the parcel, provided the project is designed in conformance with state and local wetland regulations.

Of other interest, it should be noted this parcel has been removed from the ***2008 Priority and Estimated Habitat Maps*** prepared by the Natural Heritage and Endangered Species Program (NHESP). The reason for the change in status is that the last sighting of the “species of concern” exceeded the 20 year regulatory threshold.

*From the Water Department*

“At the expense of the Developer, the water main must be extended from the intersection of Nelson and Parkwood to service the development. The water main must be extended from the intersection of Mayflower and Parkwood as a redundant service to the development. All materials must meet the Chicopee Water Department Standards. All items related to water shall be at the expense of the Developer, including, but not limited to: service connections, and fittings, hydrants, water pipe and fittings.”

*From the Water Pollution Control*

“The sewer department has not objection to the zone change from industrial to residential A. The contractor will be responsible for observing all sewer locations and easements in this area.”

According to the wetland plan that was provided only 5.4 acres of land is build able on this property.

Alderman Vieau stated that he does not understand why the residents of this area would prefer that this land remain zoned industrial and not residential where single family homes could be built.

Motion made by Alderman Moreau to table. Motion passed 5-2. Voting to table: Croteau, Tillotson, Vieau, Demers, Moreau. Voting not to table: Brunetti, Krampits.

Motion made to recess for 5 minutes at 7:20 PM.  
Meeting called back into session at 7:27 PM.

### **ITEM #3**

Application for a Special Permit under section 275-61 (c) (3) for the purpose of constructing a new restaurant with sale of alcoholic beverages on premises located at 520 Memorial Drive being a portion of parcel 341-12B, 10, 9.

Applicant: Frank Colaccino, President, Memorial Crossing, Inc., 360 Bloomfield Avenue, Suite 208, Windsor, CT 06095.

Peter Lapointe, from the Colvest Group, was present at the meeting. He stated that when 3 potential restaurants were approached about opening on this site they all indicated that a liquor license would be needed. This application is for that purpose. The liquor license would be transferred from 4 Hampden Street to this location.

### **CONDITIONS**

Must meet Health Department concerns  
Must comply with Fire Department requests

Motion made by Alderman Vieau to approve with conditions.

Committee vote: 7 – 0 favorable.

### **ITEM #4**

Minutes – September 30, 2008. Motion made to approve. Motion passed.

Meeting adjourned at 7:31 PM.